

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RIVKA SPIVAK,

Plaintiff,

v.

ALPHABET INC, et al.,

Defendants.

CASE NO. C20-1480 MJP

PLAINTIFF'S SURREPLY TO  
GOOGLE'S MOTION TO DISMISS

Plaintiff files this surreply to Google's Motion to Dismiss (Dkt #31). In Google's reply (Dkt #46), they make the following statement: "Because there was and is no federal prosecution, Plaintiff's claim of interference with a federal prosecution fails." (Dkt #46, page 6 line 24). This is a new allegation not raised in Google's original motion. Google's original motion only challenged whether Plaintiff has sufficiently alleged a federal prosecution. It did not deny that one existed.

1 To establish that this distinction is material, Plaintiff asks this Court to take judicial  
2 notice of *United States Department of Justice et al v. Google LLC* (1:20-cv-03010 District of  
3 Columbia District Court, Filed: 10/20/20). Plaintiff also avers that on September 13, 2019 she  
4 gave Google notice that she had sent evidence to the anti-trust investigators. She shared with  
5 them the letter she sent to the Attorney General's office. That letter began with "I am writing  
6 because of what I know about Google's anti-competitive ad-tech strategies. I first raised  
7 concerns about this, internally, as a Google employee, back in 2011 and I continued to raise  
8 other concerns regarding the ethics of Google's monopolistic ad-tech approach throughout the  
9 remainder of my employment."

10 Google's allegation that "there was and is no federal prosecution" is not true. Google is  
11 aware of the anti-trust case brought by the United States Department of Justice. Google is also  
12 aware that Plaintiff has previously testified in the investigation that led to that prosecution.

13 Google's allegation that "there was and is no federal prosecution" should be stricken  
14 from their reply because it is a new material allegation not raised in their initial motion.

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17 DATED: December 10, 2020

Respectfully Submitted,

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